

ORDINANCE NO. 772

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING CHAPTER 2.08 TO REMOVE THE RESIDENCY REQUIREMENT AND APPEAL RIGHTS FOR THE CITY MANAGER

WHEREAS, certain provisions of Carpinteria Municipal Code (“CMC”) Chapter 2.08 relating to the City Manager position need updating to reflect current legal requirements;

WHEREAS, the City desires the align the CMC with the Article XI Section 10(b) of the California Constitution, which prohibits a city from requiring that its employees be residents of such city, but permits a residency requirement within a reasonable and specific distance of a place of employment or other designated location; and,

WHEREAS, Government Code Section 50083 contains a parallel provision to that of the California Constitution; and,

WHEREAS, certain CMC provisions providing appeal rights upon suspension or removal are contrary to the at-will nature of the City Manager’s employment and are to be removed.

**THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES ORDAIN AS
FOLLOWS:**

SECTION 1. INCORPORATION OF RECITALS

The above recitals are true and correct and are incorporated herein, and are each relied upon independently by the City Council for its adoption of this Ordinance.

SECTION 2. AMENDMENT OF CMC SECTION 2.08.030 (“RESIDENCY REQUIREMENTS”).

Section 2.08.030 of the Carpinteria Municipal Code (“CMC”) is hereby amended in its entirety to read as follows:

“ Section 2.08.030 - Residency.

Residence in the city shall not be required as a condition of appointment, but the city manager shall establish residence within 30 miles of the city within 90 days of appointment unless the city council establishes a different reasonable and specific distance from the city in a particular employment agreement. Thereafter, the city manager shall maintain a residence within the specified distance.”

SECTION 3. AMENDMENT OF CMC SECTION 2.08.070 (“AGREEMENT FOR ADMINISTRATIVE SERVICES AND REMOVAL AUTHORIZED”).

CMC Section 2.08.070 is hereby amended in its entirety to read as follows:

“Pursuant to the employment of the city manager, the city council and the city manager shall enter into an agreement, in writing, agreeable to both parties which shall set forth the conditions of employment; provided, however, that such agreement shall not be contrary to those stipulations established in this chapter. The removal of the city manager shall be only upon a three member vote of the whole council, and the decision shall be final.”

SECTION 4. DELETION OF CMC SECTIONS 2.08.080, 2.08.090, and 2.08.100.

CMC Sections 2.08.080, 2.08.090, 2.08.100 are hereby removed and shall be Reserved and denoted as such.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect and be in force and effect thirty (30) days from and after its passage; and before the expiration of fifteen (15) days of its passage shall be published once with the names of the members of the City Council voting for and against the same in the Coastal View, a newspaper of general circulation, published in the City of Carpinteria, County of Santa Barbara pursuant to California Government Code Section 36937.

SECTION 6: SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 7: CEQA EXEMPTION

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines § 15060(c)(3) (this activity is not a "project" as defined in § 15378).

PASSED, APPROVED AND ADOPTED on October 23, 2023, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

Mayor, City of Carpinteria

ATTEST:

Brian C. Barrett, CMC, CPMC
City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on October 23, 2023.

Brian C. Barrett, CMC, CPMC
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

Jena Shoaf Acos, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney of the City of Carpinteria